

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

YESENIA RENTERIA
835 46th Street
Oakland, CA 94608

Registered Nurse License No. 595168

Respondent

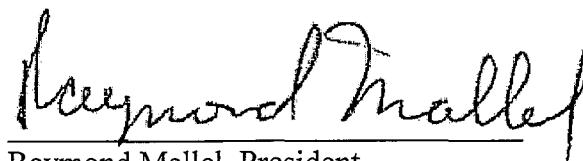
Case No. 2012-597

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **February 22, 2013.**

IT IS SO ORDERED **January 24, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-597

12 **YESENIA RENTERIA**
835 46th Street
13 Oakland, CA 94608
Registered Nurse License No. RN 595168

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Timothy J. McDonough, Deputy Attorney General.

24 2. Respondent Yesenia Renteria (Respondent) is represented in this proceeding by
25 attorney Brett Sherman, whose address is:

26 Goyette & Associates
2366 Gold Meadow Way, Suite 200
27 Gold River, CA 95670
28

3. On or about February 25, 2002, the Board of Registered Nursing issued Registered Nurse License No. 595168 to Yesenia Renteria (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-597 and will expire on November 30, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-597 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 3, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-597 is attached as exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-597. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

///

III.

///

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2012-597.

4 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
5 agrees to be bound by the Board of Registered Nursing's (Board) probationary terms as set forth
6 in the Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 10. Respondent Yesenia Renteria has never been the subject of any disciplinary action.
9 Further, she is admitting responsibility at an early stage in the proceedings. Respondent has also
10 submitted extensive mitigation documentation to the Board including evidence of compliance
11 with the conditions of her criminal probation and letters attesting to her strong employment
12 record.

13 CONTINGENCY

14 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
16 Registered Nursing may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or her counsel. By signing the
18 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be
22 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
23 further action by having considered this matter.

24 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
25 and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the
26 same force and effect as the originals.

27 13. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by
28 the parties to be an integrated writing representing the complete, final, and exclusive embodiment

1 of their agreement. It supersedes any and all prior or contemporaneous agreements,
2 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
3 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
4 supplemented, or otherwise changed except by a writing executed by an authorized representative
5 of each of the parties.

6 14. In consideration of the foregoing admissions and stipulations, the parties agree that
7 the Board may, without further notice or formal proceeding, issue and enter the following
8 Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Registered Nurse License No. 595168 issued to
11 Respondent Yesenia Renteria (Respondent) shall, by way of letter from the Board's Executive
12 Officer, be publicly reprovved. The letter shall be in the same form as the letter attached as Exhibit
13 B to this stipulation.

14 IT IS FURTHER ORDERED that within 1 year from the effective date of this decision,
15 Respondent shall pay \$2,620 to the Board for its costs associated with the investigation and
16 enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan
17 approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall
18 not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3 Reprimand and have fully discussed it with my attorney, Brett Sherman. I understand the
4 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
5 Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and intelligently,
6 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

7
8 DATED: 16 AUGUST 2012

9 
YESENIA RENTERIA
Respondent

10 I have read and fully discussed with Respondent Yesenia Renteria the terms and conditions
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
12 Reprimand. I approve its form and content.

13 DATED: _____

14 Brett Sherman
Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby
17 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
18 Consumer Affairs.

19 Dated: 8-16-12

20 Respectfully submitted,

21 KAMALA D. HARRIS
Attorney General of California
22 DIANN SOKOLOFF
Supervising Deputy Attorney General

23 

24 TIMOTHY J. McDONOUGH
25 Deputy Attorney General
26 Attorneys for Complainant

27 SF2011400602
28 90256658.doc

1 ACCEPTANCE


2 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3 Reproval and have fully discussed it with my attorney, Brett Sherman. I understand the
4 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
5 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
6 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

7
8 DATED: _____

9 YESENIA RENTERIA
Respondent

10 I have read and fully discussed with Respondent Yesenia Renteria the terms and conditions
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
12 Reproval. I approve its form and content.

13 DATED: 8/16/12


14 Brett Sherman
Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby
17 respectfully submitted for consideration by the Board of Registered Nursing of the Department of
18 Consumer Affairs.

19
20 Dated:

Respectfully submitted,

21 KAMALA D. HARRIS
Attorney General of California
22 DIANN SOKOLOFF
Supervising Deputy Attorney General

23
24 TIMOTHY J. McDONOUGH
25 Deputy Attorney General
26 Attorneys for Complainant

27 SF2011400602
28 90256658.doc

Exhibit A

Accusation No. 2012-597

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-597

13 **YESENIA RENTERIA**
835 46th Street
14 **Oakland, CA 94608**
Registered Nurse License No. RN 595168

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about February 25, 2002, the Board of Registered Nursing issued Registered
23 Nurse License Number 595168 to Yesenia Renteria (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought in this Accusation and will
25 expire on November 30, 2013, unless renewed.
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2.
- 3
- 4

5
6
7
8

9
10
11
12
13

4
5
6
7

18

19

20
21

22

23

24
25
26

1 8. Section 2762 of the Code states, in relevant part:

2 "In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
4 chapter to do any of the following:

5 ...

6 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her
10 ability to conduct with safety to the public the practice authorized by his or her license.

11 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
13 or the possession of, or falsification of a record pertaining to, the substances described in
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
15 thereof."

16 9. Section 490 of the Code states, in relevant part:

17 "(a) In addition to any other action that a board is permitted to take against a licensee, a
18 board may suspend or revoke a license on the ground that the licensee has been convicted of a
19 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
20 or profession for which the license was issued.

21 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
22 discipline a licensee for conviction of a crime that is independent of the authority granted under
23 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
24 of the business or profession for which the licensee's license was issued.

25 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
26 conviction following a plea of nolo contendere. Any action that a board is permitted to take
27 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
28 the judgment of conviction has been affirmed on appeal, or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code."

3 10. Section 492 of the Code states:

4 "Notwithstanding any other provision of law, successful completion of any diversion
5 program under the Penal Code, or successful completion of an alcohol and drug problem
6 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
7 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
8 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
9 division, from taking disciplinary action against a licensee or from denying a license for
10 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
11 record pertaining to an arrest.

12 "This section shall not be construed to apply to any drug diversion program operated by any
13 agency established under Division 2 (commencing with Section 500) of this code, or any
14 initiative act referred to in that division."

15 11. Section 493 of the Code states:

16 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
17 the department pursuant to law to deny an application for a license or to suspend or revoke a
18 license or otherwise take disciplinary action against a person who holds a license, upon the
19 ground that the applicant or the licensee has been convicted of a crime substantially related to the
20 qualifications, functions, and duties of the licensee in question, the record of conviction of the
21 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
22 and the board may inquire into the circumstances surrounding the commission of the crime in
23 order to fix the degree of discipline or to determine if the conviction is substantially related to the
24 qualifications, functions, and duties of the licensee in question.

25 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
26 'registration.'"

12. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

13. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

"(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

"(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

"(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

COST RECOVERY

14. Section 125.3 of the Code provides, in relevant part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct-Dangerous Use of Alcohol)
(Bus. & Prof Code § 2762(b))

15. Respondent has subjected her Registered Nurse License to discipline for unprofessional conduct under Code section 2762, subdivision (b), in that on or about March 4, 2011, Respondent was arrested by Berkeley Police for driving under the influence of alcohol. The circumstances are as follows:

16. On or about 2:21 a.m. on March 4, 2011, a Berkeley police officer stopped Respondent when she was driving on the wrong side of a divided highway. One of the responding officers observed that Respondent had bloodshot eyes, a strong odor of alcohol on her breath, and slurred speech. Respondent then failed several field sobriety tests. Further, Respondent took two preliminary alcohol screening tests which revealed a blood alcohol concentration of .231% and .232%, respectively. Respondent was arrested for driving under the influence of alcohol. While at the Berkeley Police Department, Respondent took two additional chemical tests to determine her blood alcohol concentration level. The blood alcohol concentration tests results were .24% and .23%, respectively.

SECOND CAUSE FOR DISCIPLINE
(Conviction of a Crime Substantially Related)
(Bus. & Prof. Code §§ 2761(f) and 490)

17. Complainant re-alleges the allegations contained in paragraphs 15-16, and incorporates them as if fully set forth.

18. Respondent has subjected her Registered Nurse License to discipline under Code sections 2761, subdivision (f), and 490 in that Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. Specifically, on or about April 18, 2011, in a criminal proceeding entitled *The People of the State of California v. Yesenia Renteria*, in the Alameda County Superior Court, Case Number 569705, Respondent was convicted by a plea of no lo contendere to one count of violating section 23152, subdivision (a), of the Vehicle Code (driving under the influence of alcohol), a misdemeanor. Respondent was

1 sentenced to serve 1 day in jail¹ and was placed on 36 months of probation. As part of her
2 probation, Respondent was ordered to attend and complete a nine month program designed for
3 people convicted of driving under the influence of alcohol, participate in the Ignition Interlock
4 Device Pilot Program for five months, and pay a fine of \$1813.

5 **THIRD CAUSE FOR DISCIPLINE**
6 **(Unprofessional Conduct-Substance Related Conviction)**
7 **(Bus. & Prof. Code § 2762(c))**

8 19. Complainant re-alleges the allegations contained in paragraphs 15-18, and
9 incorporates them as if fully set forth.

10 20. Respondent has subjected her Registered Nurse License to discipline for
11 unprofessional conduct under Code section 2762, subdivision (c), in that Respondent was
12 convicted of a crime related to substance abuse. Specifically, on or about April 18, 2011, in a
13 criminal proceeding entitled *The People of the State of California v. Yesenia Renteria*, in the
14 Alameda County Superior Court, Case Number 569705, Respondent was convicted by a plea of
15 no lo contendere to one count of violating section 23152, subdivision (a), of the Vehicle Code
16 (driving under the influence of alcohol), a misdemeanor.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
19 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 595168, issued to
21 Yesenia Renteria;

22 2. Ordering Yesenia Renteria to pay the Board of Registered Nursing the reasonable
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions
24 Code section 125.3;

25
26
27 ¹ Respondent elected to do one day of community service work in lieu of the one day jail
28 sentence. This community service was completed on May 9, 2011.

3. Taking such other and further action as deemed necessary and proper.

DATED:

April 03, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2011400602
90236951.doc

Exhibit B

Letter of Public Reproval in Case No. 2012-597



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



January 24, 2013

Yesenia Renteria
835 46th Street
Oakland, CA 94608

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Yesenia Renteria, Registered Nurse License No. 595168


Dear Ms. Renteria:

On April 3, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct and violated several sections of the Business and Professions Code. Specifically, the Accusation alleged that you violated Business and Professions Code section 2762, subdivision (b), section 2761, subdivision (f), section 490; and section 2762, subdivision (c). On March 4, 2011, you were arrested for driving under the influence of alcohol in Berkeley, California. Subsequently, you were charged and convicted by a plea of nolo contendere of one count of violating section 23152, subdivision (a), of the California Vehicle Code (driving under the influence of alcohol) on April 18, 2011.

Taking into consideration your diligence in completing the various conditions of your criminal probation, the submission of extensive documentation regarding a strong employment background, and other mitigating circumstances in this case that support the determination that you are safe to practice Registered Nursing, the Board had decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California